

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

APR 14 1999

DEBRA L. LIVA,

Plaintiff,

V.

INTCO INVESTMENTS OF TEXAS, INC.
D/B/A DOMINION COUNTRY CLUB,
et al.,

Defendants.

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DR
DEPUTY CLERK

CIVIL NO. SA-98-CA-1152-EP

ORDER

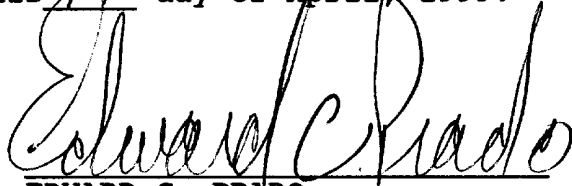
On this date came to be considered Defendant INTCO Investments of Texas, Inc.'s ("INTCO") Motion to Dismiss, filed March 26, 1999, and the Plaintiff's Response, filed April 7, 1999 in the above-styled and numbered cause. After careful consideration, the Court is of the opinion that the motion should be granted.

In her First Amended Complaint, Plaintiff contends that INTCO discriminated against her on the basis of sex in violation of Title VII. However, in its motion to dismiss INTCO attached an affidavit of the Vice-President of INTCO stating that INTCO has never employed Plaintiff and has never used the d/b/a "Dominion Country Club." Therefore, the Plaintiff may not properly sue INTCO under Title VII.

The Plaintiff responded to INTCO's motion by stating that the records of Bexar county indicate that the Dominion Country Club is owned by INTCO. However, the Plaintiff has not provided this Court with any evidence to this effect. Therefore, the Court must dismiss Defendant INTCO.

Accordingly, it is hereby ORDERED that Defendant INTCO's Motion to Dismiss is GRANTED such that Defendant INTCO is dismissed from this lawsuit.

SIGNED and ENTERED this 14th day of April, 1999.

A handwritten signature in cursive script, reading "Edward C. Prado". The signature is written in black ink and is positioned above the printed name of the judge.

EDWARD C. PRADO
UNITED STATES DISTRICT JUDGE